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4 Attorneys for STATE OF ARIZONA

5 IN THE SUPERIOR COURT

6 STATE OF ARIZONA, COUNTY OF YAVAPAI

7 STATE OF ARIZONA,

8 Plaintiff,

9 vs.

10 JAMES ARTHUR RAY,

11 Defendant.

V1300CR201080049

**STATE'S PARTIAL OBJECTION TO  
DEFENDANT'S REQUEST FOR  
ADDITIONAL EXTENSION  
OF TIME FOR FILING OF MOTIONS  
REGARDING EXPERT WITNESSES**

**STATE'S REQUEST FOR  
EXTENSION OF TIME FOR FILING  
OF MOTIONS REGARDING  
DEFENDANT'S  
EXPERT WITNESS**

**(The Honorable Warren Darrow)**

16 Comes now the State of Arizona, through undersigned counsel, and hereby objects in part  
17 to Defendant's Request for Additional Extensions of Time for Filing of Motions Regarding  
18 Expert Witnesses. The State does not object to Defendant's request as it relates to State's experts  
19 Rick Ross and Dr. Matthew Dickson. Defendant has not completed the interviews of these  
20 witnesses. However, Defendant has received complete disclosure, including interviews, of the  
21 State's remaining experts. Therefore, the State does object to an additional extension of time to  
22 file motions relating to Steve Pace, Dr. Fischione, Dr. Lyon and Dr. Mosley.  
23

24 In addition, the State has not had the opportunity to interview Defendant's expert  
25 witness, Dr. Ian Paul. Accordingly, the State requests an extension of time for filing motions  
26

SUPERIOR COURT  
COUNTY OF YAVAPAI, ARIZONA

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1 regarding Defendant's expert witness until a date following this interview. This Partial  
2 Objection/Request is supported by the following Memorandum of Points and Authorities.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **A. Objection to extension of motion deadline with respect to State's experts Steve**  
5 **Pace, Dr. Mosley, Dr. Fischione and Dr. Lyon**

6 Discovery and defense interviews with respect to State's experts Steve Pace, Dr. Mosley,  
7 Dr. Fischione and Dr. Lyon has been timely accomplished leaving sufficient time for Defendant  
8 to meet the motion filing deadline of January 24, 2010.

9 **Dr. Mosley:** First interviewed by Defendant on May 21, 2010; re-interviewed on January  
10 6, 2011. This second interview completed discovery with respect to Dr. Mosley.

11 **Dr. Lyon:** First interviewed by Defendant on June 17, 2010; re-interviewed on January 7,  
12 2011. This second interview completed discovery with respect to Dr. Lyon.

13 **Dr. Fischione:** First interviewed by Defendant on June 17, 2010; re-interviewed on  
14 January 7, 2011. This second interview completed discovery with respect to Dr. Fischione.

15 **Steve Pace:** The State identified Steve Pace as an expert witness and disclosed his  
16 resume on October 14, 2010. The State disclosed the fee agreement relating to his services on  
17 October 20, 2010. On January 7, 2011, the State disclosed Steve Pace's reports. On January 19,  
18 2011, Defendant interviewed Steve Pace. This completed all disclosure relating to this expert.

19 Accordingly, Defendant had time to file any motions relating to their testimony prior to  
20 the deadline. Because discovery relating to the medical examiners and Steve Pace was completed  
21 prior to the extended deadline for filing of motions relating to experts, the State objects to an  
22 additional extension as it relates to these witnesses. The State does not object to Defendant's  
23 Request for Extension of Time as it relates to State's experts Rick Ross and Dr. Matthew  
24 Dickson as the party have, in good faith, attempted to timely complete discovery.  
25  
26

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**B. State's Request for Extension Motion Deadline with respect to Defendant's expert Dr. Ian Paul**

On January 11, 2011, Defendant disclosed Dr. Ian Paul's curriculum vitae and report to the State. To date, the State has not had an opportunity to interview Dr. Paul, and it now appears the interview will not be scheduled until January 31, 2011 or later. Accordingly, the State requests an extension until February 10, 2011 to file any motions relating to Defendant's expert witness, Dr. Ian Paul.

RESPECTFULLY submitted this 21<sup>st</sup> day of January, 2011.

By Sheila Sullivan Polk  
SHEILA SULLIVAN POLK  
YAVAPAI COUNTY ATTORNEY

COPIES of the foregoing emailed this 21<sup>st</sup> day of January, 2011:

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By: Kathy Danner

COPIES of the foregoing delivered this 21<sup>st</sup> day of January, 2011, to

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**IN THE SUPERIOR COURT**

**STATE OF ARIZONA, COUNTY OF YAVAPAI**

STATE OF ARIZONA,

Plaintiff,

vs.

JAMES ARTHUR RAY,

Defendant.

V1300CR201080049

**ORDER EXTENDING DEADLINE FOR  
STATE'S MOTIONS REGARDING  
DEFENSE EXPERT**

**(The Honorable Warren Darrow)**

Upon request of the State's for Extension of Time to File Motions Regarding  
Defendant's Expert Witness, and Good Cause appearing,

IT IS ORDERED that the State may file such motions no later than February 10, 2011.

DONE IN OPEN COURT THIS \_\_\_\_\_ day of January, 2011.

\_\_\_\_\_  
Hon. Warren R. Darrow  
Judge of the Yavapai County Superior Court